

REMARKS

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a) in that "allocation units" are not shown.

Applicant believes that the Examiner is mistaken. In particular, Fig. 2 shows a disk platter 200 having a section of data 220 including sectors, one of which being indicated as damaged sector 225. This sector 225 has the data therein copied to a further sector 215 in a spare area 210. According to the specification on page 4, line 25, a sector is "the smallest allocation unit on the disk". Hence, the drawings do show "allocation units".

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claim 2 has been cancelled, while claims 1 and 7 have been amended to include the limitations of cancelled claim 2. In addition, claims 8 and 9 have been amended such that they each depend from claim 7. Furthermore, the claims have been amended for clarity.

Applicant would like to point out that the apparatus of claim 7 is capable of retrieving data from a first memory. However, this apparatus does not include the first memory. The system of claim 9 includes the apparatus as claimed in claim 7 as well as the first memory.

The Examiner has rejected claims 1 and 3-9 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,051,154 to Chng et al. Applicant acknowledges that the Examiner has found claim 2 allowable over the prior art of record.

In view of the above changes, Applicant believes that the Examiner's 35 U.S.C. 102(e) rejection has been overcome.

Applicant believes that the above changes and explanation answer the Examiner's objection to claims 8 and 9, and respectfully requests withdrawal thereof.

Applicant believes that this application, containing claims 1 and 3-9, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611